THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.28015 of 1997

Dated: 07.03.2007

Between:

Shaik Anwer, S/o.T.Bava Saheb,
and another.

... PETITIONERS

AND

1. The District Collector,
   Chittoor and two others.

...RESPONDENTS

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.28015 of 1997

ORDER:

The petitioners have occupied Government land to an extent of 1.05 cents each in Survey No.146/1 of Kuppam Revenue Village. Steps were initiated to evict them from the said land and several proceedings ensued in the form of an appeal to the District Collector, Chittoor, and O.S.No.72 of 1994 in the Court of District Munsif, Kuppam. The petitioners were issued a notice under Section 7 of the Land Encroachment Act, 1905 (for short 'the Act') on 10.10.1997. They challenged the same on several grounds.

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue.

Challenge in this writ petition is to a notice under Section 7 of the Act calling upon the petitioners, to explain as to why the encroachment shall not be removed. The petitioners can submit explanation, and thereafter, an order is required to be passed under Section 6 of the Act. Further, if the petitioners feel aggrieved by the order under Section 6 of the Act, they can avail the remedy of appeal. The petitioners had not alleged that the impugned notice was issued by the authorities not vested with the jurisdiction.

The writ petition is accordingly dismissed, granting 15 days to the petitioners from today, to submit explanation. The respondents shall follow the procedure under the Act and pass necessary orders. There shall be no order as to costs.

L. Narasimha Reddy, J

Date: 07.03.2007
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